
STATUTORY INSTRUMENTS

2015 No. 445

The Police Pensions Regulations 2015

PART 9

Death benefits

CHAPTER 3

Pensions for eligible children

Meaning of “eligible child's pension”

143. In these Regulations, “eligible child's pension” means any of the following pensions payable to an eligible child under this Chapter—

- (a) a child's earned pension;
- (b) a child's lower tier ill-health pension;
- (c) a child's enhanced upper tier ill-health pension;
- (d) a child's added pension.

Meaning of “eligible child”

144.—(1) In these Regulations, “eligible child”, in relation to a deceased member of this scheme, means a person mentioned in paragraph (2) who meets one of the conditions in paragraph (3).

(2) The persons are—

- (a) a natural child of a member born before the member's death;
- (b) a natural child of a member born after the member's death if the child's mother was pregnant with the child at the date of the member's death;
- (c) an adopted child or step-child of the member; or
- (d) any other child or young person who, in the opinion of the scheme manager, at the date of the member's death was substantially dependent on the member, financially or because of physical or mental impairment.

(3) The conditions are—

- (a) that the person is 18 or under;
- (b) that the person is under 23 and in full-time education or full-time vocational training on a course of at least one year's duration;
- (c) that the person is under 23 and, in the opinion of the scheme manager, unable to engage in any regular employment because of physical or mental impairment;
- (d) that in the opinion of the scheme manager—
 - (i) the person is dependent on the member at the date of the member's death because of physical or mental impairment;

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- (ii) the person is unable to engage in any regular employment because of that impairment; and
- (iii) that impairment is likely to be permanent.

Eligible child's pension

- 145.**—(1) This regulation applies if a member of this scheme dies leaving an eligible child.
- (2) An eligible child's pension is only payable in respect of such period or periods during which a child or young person is an eligible child.
- (3) An eligible child's pension is not payable in respect of any period before a child's birth.
- (4) An eligible child's pension is payable in respect of an eligible child as follows—
- (a) a child's earned pension is payable if the member was entitled to payment for life of a retirement earned pension at the date of the member's death or the member would have become entitled to such a pension had the member not died;
 - (b) a child's lower tier ill-health pension is payable if a lower tier ill-health pension was payable to the member at the date of the member's death;
 - (c) a child's enhanced upper tier ill-health pension is payable if an enhanced upper tier ill-health pension was payable to the member at the date of the member's death;
 - (d) a child's added pension is payable if the member was entitled to payment for life of a retirement added (all beneficiaries) pension at the date of the member's death or would have become entitled to such a pension had the member not died.
- (5) Part 7 of Schedule 4 (transitional provisions) provides for payment of an eligible child's pension in respect of a transition member with continuity of service—
- (a) who dies as an active member of this scheme; and
 - (b) who has at least 2 years' qualifying service.

Annual rate of eligible child's pension

- 146.**—(1) The annual rate of an eligible child's pension is determined by reference to the annual rate of the corresponding surviving adult's pension (disregarding any reduction falling to be made under regulation 142 (wide age disparity)) whether or not a surviving adult's pension becomes payable on the death of the member.
- (2) For the purposes of this regulation, the corresponding surviving adult's pensions are—
- (a) for a child's earned pension, a surviving adult's earned pension;
 - (b) for a child's lower tier ill-health pension, a surviving adult's lower tier ill-health pension;
 - (c) for a child's enhanced upper tier ill-health pension, a surviving adult's enhanced upper tier ill-health pension; and
 - (d) for a child's added pension, a surviving adult's added pension.
- (3) If an eligible child's pension is payable in respect of one or 2 eligible children, the annual rate of eligible child's pension is equal to 50% of the annual rate of the corresponding surviving adult's pension.
- (4) If an eligible child's pension is payable in respect of 3 or more eligible children, the annual rate of eligible child's pension payable to each eligible child is equal to the appropriate fraction of 50% of the annual rate of the corresponding surviving adult's pension.
- (5) In this regulation, “the appropriate fraction” means

Y is the number of eligible children in respect of whom the annual rate of eligible child's pension is calculated.

(6) In calculating the annual rate of eligible child's pension payable on the death of a pension debit member of this scheme, the reduction of the pension debit member's benefits under section 31 of WRPA 1999 is disregarded.

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